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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 16 April 2002 from the Permanent Mission of Slovakia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Slovak Republic to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to transmit the report of the Slovak Republic on the implementation of Security Council resolution 1390 (2002) (see annex).

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Annex to the note verbale dated 16 April 2002 from the Permanent Mission of Slovakia to the United Nations addressed to the Chairman of the Committee

Paragraph 6 of the UN Security Council resolution 1390 (2002) of 16 January 2002 requests all States to report to the Committee established pursuant to resolution 1267 (1999), on the steps they have taken to implement the mandatory measures contained therein.

The submitted Report of the Slovak Republic has been prepared in conformity with the guidelines of the Committee. To avoid duplication with the report prepared for the CTC, the present Report focuses on new legislative enactments and administrative measures and on newly established facts. Measures in italics are mentioned only in a concise form here, since they have been presented in more detail in the report prepared for the CTC.

1. All legislative and/or administrative measures to freeze the funds and other financial assets or economic resources of the individuals, groups, undertakings and entities referred to in the list 2000 mentioned in paragraph 2 of resolution 1390(2002).

As stated in the report for the CTC, *the following legislative measures make it possible to freeze funds, financial assets or economic resources of individuals and organizations subject to sanctions:*

a) Banking Act No. 483/2001 of 5 October 2001 whose Article V amends Foreign Economic Relations Act No. 42/1980, namely by means of implementing the provisions of the Article 56a) International Sanctions imposed by the UN Security Council. In accordance with these provisions, the Slovak Government issued on April 10, 2002 a Decree which enables to freeze funds and other financial assets of individuals, groups, undertakings and entities referred to in the list created pursuant to resolutions 1267(1999) and 1333(2000). (This Decree enables to freeze funds and deposits owned by the UNITA representatives and their relatives, as well).

b) the Code of Criminal Procedure, namely its Articles 78, 79 and 79c)

c) the Penal Code, namely its Article 7 on preparation of serious crime and Article 10 on involvement in an offense completed or in an attempt to commit an offense.

On 3 April, the Government approved a draft amendment to the Penal Code which provides for the fulfilment of obligations pursuant to Article 2 paragraphs 1 to 5 of the International Convention on the Suppression of the Financing of Terrorism. The amended Penal Code provides, *inter alia*, in its Article 73 for the confiscation of assets that could be used to finance terrorism. Article 94 introduces a new crime of terrorism, Article 89 paragraph 28 defines a terrorist group and Article 185a) adds criminal liability for participation in a terrorist group. The Code is expected to take effect on 1 July 2002 following its adoption in Parliament.

Furthermore, the use of financial assets for the financing of terrorism may be prevented especially through the requirement to report unusual business transactions laid down in Article 7 of the *Money Laundering Act No. 367/2000*. These transactions are reported to the Financial Police Bureau by "obligated persons" under Article 2 of the aforesaid Act.

A draft law amending *Money Laundering Act No. 367/2000* (prepared by the Ministry of the Interior) is currently in the legislative process. Changes to be introduced by the draft include a modification of the reporting requirement – i.e. the financial intelligence unit of the

Slovak Republic (Financial Intelligence Department within the Financial Police Bureau) must be reported not only "unusual" business transactions that give rise to suspicion of legalizing proceeds of crime, but also those that give rise to suspicion of the financing of terrorism. The adoption of the law is expected, in expedited legislative procedure, before the end of the current term of the Parliament, i e. within the first half of 2002.

Administrative measures include also steps taken by the Financial Police Bureau to draw up the lists of natural and legal persons, organizations, foundations and associations (i e. publicly accessible lists, but also those obtained from sources outside of the sector) and make them available to banks and subsidiaries of foreign banks through the Association of Banks of the Slovak Republic. As far as specified accounts are concerned, steps have been taken to obtain information about potential unusual business transactions (as a rule, they are unusual financial transactions). Banks and their subsidiaries were urged to pay increased attention to these accounts and to inform financial police forthwith of any relevant observation. Under *Article 9 of Act No. 367/2000* financial police may make the obligated persons, defined in Article 3a), put an unusual business transaction on hold for a 48-hour period. Where substantiated, this legal measure may be associated with the freezing of an account by a public prosecutor pursuant to *Article 79c of the Code of Criminal Procedure*.

A draft law on the implementation of international sanctions for maintaining the international peace and security is currently in the legislative process. The purpose of this law is to create a comprehensive legal framework enabling the Government of the Slovak Republic to consistently and effectively implement international sanctions imposed by the UN Security Council and the EU. The law provides for implementing sanctions in the fields of trade and non-financial services, financial services, transport, postal service and telecommunications, technical infrastructure, science, technology, cultural and sports relations. The law is expected to take effect on 31 July 2002. Its enactment will repeal *Article 56a) of Foreign Economic Relations Act No.42/1980 as amended by Act No. 483/2001*.

2. If the authorities of a State have identified and frozen funds and other financial assets or economic resources of individuals, groups, undertakings and entities as referred to in the list, they should indicate to the Committee relevant information such as type of assets frozen, account numbers and monetary value of assets frozen.

No concrete accounts of natural or legal persons subject to UN sanctions under SC resolution were frozen in the Slovak Republic to date, as no accounts qualifying for sanctions have been identified.

The Ministry of Finance's Department of State Final Account verifies in the process of making payments not only substantive and formal requirements of the orders to pay, but also account numbers by tallying them against the list of accounts of terrorist organizations. None of the verified effected payments raised suspicion.

3. All measures taken to prevent entry into and or the transit through their territories of the individuals as referred to in the list mentioned in paragraph 2 of resolution 1390(2002).

The list in question and its updated versions are immediately submitted to all the consulates of the Slovak Republic abroad that issue Slovak visas and, through the Ministry of the Interior, to alien police departments at border crossing points.

Under an Order issued by the President of the Police Corps, reinforcements were introduced mainly in the performance of police duties, patrols, and measures were taken to perform checks in areas with increased incidence of aliens from relevant areas. Stricter personal and vehicle checks are performed in conjunction with customs authorities at border crossing points. Patrols were reinforced to increase protection of the State border. Security measures at public airports were tightened.

Information concerning areas with potential presence of illegal migrants is collected and analyzed on a regular basis.

As far as possible, checks are performed over sites and structures that are prone to penetration or concentration of illegal migrants.

Operational and investigative units collect information on terrorist groups and relevant individuals involved in the commission of organized crime.

The data are immediately verified, documented, entered in criminal information records and analyzed with a view to covering future needs or transferred to competent authorities involved in criminal procedure.

Alien police officers at border crossing points verify the data concerning aliens on their entry to our territory against relevant records (including records on terrorists).

Border crossing points are equipped with the AFIS system (automated fingerprint identification system). Fingerprint identification is performed in conformity with Police Corps Act No. 171/1993 Coll. Illegal migrants after their entry to the territory of the country (through the green border) are subjected to a security check against the records on terrorists through the closest border crossing point.

Fingerprints may be taken also from aliens applying for a refugee status (Article 5 paragraph 4 of Refugees Act No. 283/1995).

Under Order No. 50 of 11 September 2001 issued by the President of the Police Corps, special measures were taken by the Border and Alien Police Department of the Police Corps in connection with terrorist attacks against the United States.

However, the aforesaid Order is confidential (gathering of information on potential perpetrators and/or organizers of terrorist attacks, monitoring of security situation in the Slovak Republic especially in relation to the possession of weapons, explosives and ammunitions, protection of strategic structures and monitoring of interest population groups that could have a link to terrorist activities).

Under the draft of a new asylum law, it is possible to deny granting asylum to an individual who is reasonably suspected of having committed a serious non-political criminal offense outside of the territory of the Slovak Republic prior to applying for asylum.

Application of this exemption clause is highly relevant in the current international situation in connection with the fight against terrorism and organized crime, and meets also the obligations stated in paragraph 8 of UN SC Resolution 1390/2002. The new Asylum Act is expected to enter into effect on 1 January 2003.

4. All the measures taken to prevent the direct or indirect supply, sale or transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned and technical advice, assistance, or training related to military activities.

Amended Trade in Military Materiel Act No. 179/1998 came into effect on 1 February 2002. The amendment removed the legislative gap in the relevant Act under which it was possible to import to and export from the Slovak Republic military materiel and weapons for refurbishing without requiring a license. The amendment has significantly tightened requirements for trading in military materiel.

Customs administration of the Slovak Republic carries out customs surveillance with maximum controls in imports, exports, transit or other handling of arms, military materiel of all types and equipment, illegal transport of radioactive and other highly dangerous materials. Since 1 March 2002, Customs Administration of the Slovak Republic has its representative among the members of the Licensing Commission operating within the Ministry of Economy which issues licenses on imports, exports and other handling of military materiel.

On 1 February entered into effect the Requirements for and Control of Imports, Exports and Intermediary Activities related to Goods and Technologies subject to International Control Regimes Act No. 26/2002 Coll. The law deals with the prevention of unlawful sales, supplies, etc. of dual-use goods. It superseded the Handling Certain Types of Goods and Their Control Act No. 547/1990. The law consistently complies with EU regulations and other legal acts in this area.

Stricter controls of military materials and dual-use goods will be introduced also with the launching of the TRACKER communication and information system, provided free of charge by the US Government. The TRACKER system will make it possible to process and evaluate information on individual business transactions and direct communication among the sectors concerned.

The Ministry of Economy of the Slovak Republic is working, in cooperation with the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Defense and the Customs Directorate, on a broader amendment to Trade In Military Materiel Act No. 179/1998 Coll.. The objective of the amendment is to revise the entire philosophy of controlling the movements of military materiel, and to serve as a sufficiently powerful legislative instrument for competent authorities in asserting security and foreign policy interests of Slovakia. The amendment will, *inter alia*, regulate the transit of military materiel through the territory of Slovakia, related intermediary activities and cooperation of state administration bodies in this area.

5. Ad paragraph 8 of resolution 1390(2002) .

The Department for the Fight against Terrorism within the Criminal and Financial Police Administration's Office on Organized Crime of the Presidium of the Police Corps also runs a list of natural and legal persons designated as terrorist, suspect of terrorism, or aiding terrorism. On the basis of the aforesaid list, as well as other systematically collected information, the Department has started to perform – in cooperation with relevant services of the Presidium of the Police Corps– checks on individuals from the list and other natural or legal persons or other entities connected with them with a view to establishing whether they conduct any activities in the territory of the Slovak Republic. Evaluation of steps and measures taken up to the present leads to the conclusion that no such entities are active in the territory of the Slovak Republic. In this regard, the Office of Organized Crime of the Presidium of the Police Corps will work in close conjunction with the Financial Police Bureau of the Criminal and Financial Police Administration of the Presidium of the Police Corps.